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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,500	03/11/2004	Jeffrey W. Small	G&C 30566.86-US-D1	6384

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EXAMINER
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BASHORE, WILLIAM L

ART UNIT	PAPER NUMBER
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2176

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,500	<b>Applicant(s)</b> SMALL, JEFFREY W.	
	<b>Examiner</b> William L. Bashore	<b>Art Unit</b> 2176	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2007.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/9/07</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. This action is responsive to communications: amendment filed 4/9/2007, to the original application filed 3/11/2004, said application is a divisional of application 09/484,772 (pending), with filing date of 1/18/2000. IDS filed 3/11/2004, 4/9/2007.
2. Claims 1-12 pending. Claims 5-12 have been added. Claims 1, 5, 9 are independent.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. **Claims 1-12 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.**

**In regard to independent claims 1, 5, 9, each of said claims recite associating, “*within said drawing*”, said first layout, and associating, “*within said drawing*”, said second layout. There is insufficient support in the instant specification to support the above.**

**In regard to dependent claims 2-4, 6-8, 10-12, said claims are rejected for fully incorporating the deficiencies of their respective base claims.**

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Spyglass Prism Concepts and Applications (hereinafter Spyglass), 1997 Spyglass, Inc., pages 1-8, in view of Microsoft Word 97 (hereinafter Word 97), Microsoft Corporation 1997, screenshots pages 1-4.**

In regard to independent claim 1, Spyglass teaches a proxy server for customizing Web pages in order to conform to constraints of multiple non-PC output devices (Spyglass page 2 – at top). Web pages typically contain illustrations, drawings, etc., as evidenced by the Web page at Spyglass page 7, showing a map of Chicago (a form of drawing) (compare with claim 1 “*A computer implemented method for associating multiple output devices with a drawing...* ”).

Spyglass does not specifically teach its program as a “graphics” program. However, Word 97 teaches a document editor comprising the capability of creating and editing drawings and pictures (Word 97 pages 1-3). Word 97 also has the capability of dealing with Web pages, and saving work as HTML (Word 97 pages 2, 4) (compare with claim 1 “... *in a computer-implemented graphics program comprising:*”). It would have been obvious to one of ordinary skill in the art at the time of the invention to apply Word 97’s graphic editing to Spyglass, providing Spyglass’s server the benefit of customized editing of images and drawings on a Web page.

Spyglass teaches a user logging on to the Spyglass server, said server looks for a Web page (i.e. drawing) via user requested URL within its cache. If its stored page is already converted (a first layout), said server selects said page on behalf of the user (Spyglass page 2, and page 3 section “Caches content”, and page 5 – top paragraph; compare with claim 1 “*selecting a first layout of said drawing;*”).

Spyglass teaches a “Device Database” which stores various device information and conversion characteristics for conversion purposes (Spyglass page 2, 4). Spyglass references this database accordingly (compare with claim 1 “*selecting a first output device; selecting a first output device configuration;*”).

Spyglass teaches fetching from its cache a Web page which has already been converted for a specific output device (Spyglass page 5 – top paragraph). In order to recognize the correct converted page (layout), Spyglass must know the intended output device with its device configuration, therefore an association exists accordingly (compare with claim 1 “*associating... said first layout with said first output device and said first output device configuration;*”).

Spyglass teaches a user logging on to the Spyglass server using a different device, said server looks for a Web page (i.e. drawing) via user requested URL within its cache. If its stored page is already converted (a first layout), said server selects said page on behalf of the user (Spyglass page 2, and page 3 section “Caches content”, and page 5 – top paragraph; compare with claim 1 “*selecting a second layout of said drawing;*”).

Spyglass teaches a “Device Database” which stores various device information and conversion characteristics for conversion purposes (Spyglass page 2, 4). Spyglass references this database accordingly (compare with claim 1 “*selecting a second output device; selecting a second output device configuration;*”).

Spyglass teaches fetching from its cache a Web page which has already been converted for a specific output device (Spyglass page 5 – top paragraph). In order to recognize the correct converted page (layout), Spyglass must know the intended output device with its device configuration, therefore an association exists accordingly (compare with claim 1 “*associating... said second layout with said second output device and said second output device configuration;*”).

Spyglass teaches two output views of a Web page, one view with a map, one (PDA) view without (see Spyglass page 7). Spyglass does not specifically teach associating “*within said drawing*” a first and second layout. However, since Spyglass teaches conversion to various devices, with all conversions using the original requested Web page (with original image) as a base point, it would have been obvious to one of ordinary skill in the art at the time of the invention for the skilled artisan to interpret a scenario comprising two output devices

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keeping the same map of Chicago (i.e. a PC and a laptop, etc.). Both said devices typically interpret .gif images, but can be customized in other ways commensurate with their respective capabilities, therefore creating two layouts associated with the same base image.

**In regard to dependent claim 2**, Spyglass teaches an administration section comprising a forms based interface for entering and configuring subscribers, device descriptions, and conversion routines (Spyglass page 6 section “Administration and Logging”).

**In regard to dependent claim 3**, Spyglass teaches a conversion script for customizing according to device parameters, said conversion script associated with particular selected devices (Spyglass page 5 – especially at middle, and page 6).

**In regard to dependent claim 4**, Spyglass teaches a cache containing names of unconverted and unconverted Web pages (Spyglass page 5 – top paragraph). In order to fetch the correct page, Spyglass must know its intended output device, along with its configuration (typically referenced as a name and/or ID number, Spyglass pages 2, 4 – Device Database), therefore Spyglass saves device names, configurations, and Web pages (drawings).

Since various output devices, such as TVs, phones, pagers, PDAs, etc. each display content accordingly, it is well within reason to interpret a typical output device to encapsulate additional configuration information tailored to the display of said content, therefore it would have been obvious to one of ordinary skill in the art at the time of the invention for said output device to contain additional information within said device, providing the benefit of devices capable of faithfully rendering a Web page from a data stream accordingly.

**In regard to claims 5-8**, claims 5-8 reflect the apparatus comprising computer readable instructions used for implementing the methods as claimed in claims 1-4, respectively, and are rejected along the same rationale.

**In regard to claims 9-12**, claims 9-12 reflect the article of manufacture comprising computer readable instructions used for implementing the methods as claimed in claims 1-4, respectively, and are rejected along the same rationale.

***Response to Arguments***

7. Applicant's arguments filed 4/9/2007 have been fully and carefully considered but they are not persuasive.

Applicant explains on page 10 of the amendment that Spyglass does not teach "within said drawing". It is respectfully submitted that since Spyglass teaches conversion to various devices, it would have been obvious that two devices can establish an output view within the same drawing (i.e. both a PC and a laptop can support Spyglass's map of Chicago, but may differ in other output capabilities, etc.).

Applicant's arguments regarding a graphics program are currently moot. Newly introduced Word 97 teaches a form of graphics program, since it can create and edit graphic images accordingly. Spyglass's customization involves re-editing of a Web page's HTML code.

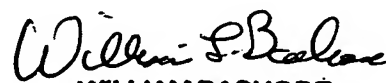
Applicant argues on pages 10-11 of the amendment that Spyglass does not teach drawing layouts, as claimed. The examiner respectfully disagrees. Although Applicant refers to drawing layouts in the specification, the instant claims do not preclude the interpretation used in the instant rejections. Applicant defines a "layout" in the context of a computer graphics program (e.g. CAD programs). However, CAD is not specifically claimed, and it is respectfully submitted that a CAD program is but one type of computer graphics program.

***Conclusion***

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Bashore whose telephone number is (571) 272-4088. The examiner can normally be reached on 9:00am - 5:30pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (571) 272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
**WILLIAM BASHORE**  
**PRIMARY EXAMINER**

June 24, 2007